

Appl. No. 10/566,934
Response Dated 10 January 2008
Reply to Office Action Mailed On 13 July 2007

REMARKS/ARGUMENTS

Claims 1-20 were filed in this application. In the present office action, the claims were subject to a restriction requirement, under 35 U.S.C. § 121. In response, claims 5 and 18 are elected, and claims 2-4, 6-12, 16-17, and 19 are withdrawn. Reconsideration and allowance of all claims is respectfully requested.

Specifically, in making the restriction requirement, the Examiner divided the claims into 15 distinct species, as follows:

- A. Preferred embodiment disclosed in paragraph [0029] and specifically claimed in claim 2;
- B. Preferred embodiment disclosed in paragraph [0030] and specifically claimed in claim 3;
- C. Preferred embodiment disclosed in paragraph [0031] and specifically claimed in claim 4;
- D. Preferred embodiment disclosed in paragraph [0032] and specifically claimed in claim 5;
- E. Preferred embodiment disclosed in paragraph [0033] and specifically claimed in claim 6;
- F. Preferred embodiment disclosed in paragraph [0034] and specifically claimed in claim 7;
- G. Preferred embodiment disclosed in paragraph [0035] and specifically claimed in claim 8;

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- H. Preferred embodiment disclosed in paragraph [0036] and specifically claimed in claim 9;
- I. Preferred embodiment disclosed in paragraph [0037] and specifically claimed in claim 10;
- J. Preferred embodiment disclosed in paragraph [0038] and specifically claimed in claim 11;
- K. Preferred embodiment disclosed in paragraph [0039] and specifically claimed in claim 12;
- L. Preferred embodiment disclosed in paragraph [0042] and specifically claimed in claim 16;
- M. Preferred embodiment disclosed in paragraph [0043] and specifically claimed in claim 17;
- N. Preferred embodiment disclosed in paragraph [0044] and specifically claimed in claim 18;
- O. Preferred embodiment disclosed in paragraph [0045] and specifically claimed in claim 19;

The Examiner noted that claims 1 and 14 are considered generic to the claims. Dependent claims 13, 15, and 20 were not addressed by the Examiner.

In response to the election of species requirement, the Applicant elects species D and N *with traverse*, noting that claims 1 and 14 are currently generic and claims 5 and 18 depend therefrom, respectively.

In traversing the Election of Species requirement, it is Applicants' assertion that the Species Requirement in the office action is improper, unreasonably pointing to almost every

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single dependent claim (all but three of 18 dependent claims) as a different species, inasmuch as the species identified by the Examiner are not mutually exclusive embodiments of the present invention, but that each dependent claim presents a narrowing claim limitation in accordance with standard U.S. patent practice. For example, dependent claims 3 and 10 present alternative embodiments, however not mutually exclusive in that the opening ended claiming of independent claim 1 allows for a multimode method that could foreseeably include three modes. The paragraphs pointed to by the Examiner as presenting distinct species are in accordance with common U.S. practice of presenting every claim, including dependent claims, in the Summary of Invention section of the specification in order to assure support for every claim, not as any indication that each embodiment is in any way mutually exclusive of any other, as is fully supported by each of the Example embodiments presented in paragraphs [0082]-[0093] and [00114]-[00125]. It is the firm belief of the Applicants that a search of prior art pertaining to the generic claims will support these assertions, and that rejoining the withdrawn claims will not result in additional burdensome searching on the part of the Examiner.

For this reason, Applicant respectfully requests, in the alternative, that the Species Requirement be withdrawn, that the withdrawn claims be rejoined, and that a timely Notice of Allowance for claims 1-20 be issued in this case.

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the telephone number listed below.


This paper is submitted in response to the Office Action mailed on July 13, 2007. Please charge Deposit Account 19-0610 for the fee for a three month extension of time. Please apply

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any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 21-1154).

Respectfully submitted,

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